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United States District Court
District of Massachusetts (Boston)

FILED

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Civil Docket # 21-CV-11508-ADB

DISTRICT COURT
DISTRICT OF MASS.

Abdullah Bey v. A.G. of Massachusetts, et al.

Affidavit to amend error in my original argument

I erroneously stated that the Mass Statute 'Bans' the possession of Standard Capacity magazines. It does not 'ban' them, the Statute makes it Criminal to have them without the permission of the Commonwealth, exactly like the Christian Black Codes of 1724. Stated that Slaves and Black people could not have any arms unless they had permission from their masters or a Badge. A license, by legal definition means 'permission'. By slightly changing the language the Commonwealth is essentially enforcing Slave laws against all of its Citizens. Governments derive their power from the consent of the governed. Meaning, government being a creature of law, cannot rightly tell law-abiding citizens, without due process of law, what they can and cannot do. Government's duty is to protect pre-existing rights and liberties: which are inalienable and cannot be licensed. For the safety of man, government exists; not to make a right into a crime. All laws or the system of laws is based on Jurisprudence. The observation of "Right", "Science" or "positive", "philosophy", "Juris + prudence, or "positive Law". This means

by default, laws cannot be enacted which could turn a normal act into a crime. Jurisprudence or Constitutional law is based on morality (law) and equity. This 'moral compass' or law, or the positive intent of the law (morality), is considered 'the spirit of the law'; once written, its physical manifest is often referred to as, 'the letter of the law'. The letter of the law with no spirit is called 'color-of-law'. It is that which appears to be, but lacks substance. Any law, statute, code or ordinance that is enacted and enforced against the people without the 'spirit of the law', is ipso facto and ipso jure, unconstitutional color-of-law. A crime by definition, is based on this actuality of 'the spirit of the law' and jurisprudence and is an act that is morally objectionable. Since that can vary in degrees of moral objectivity or seriousness, degrees of punishment vary. As an example, the morally objectionable act of rape is far more severe than the act of stealing a lawnmower. But like all crimes or morally objectionable behavior, there exists ① A loss and injury to an individual or group of individuals ② the or an injured party themselves and ③ Criminal intent or a disregard to morality. These 3 prongs exist in all crimes that are by nature or jurisprudence, ~~serious~~ crimes. Possession of a weapon, gun, arm or large-capacity magazine has no injured party, no loss and no criminal

intent. It simply makes an ordinary act into a crime and thus places a substantial burden on law abiding citizens and has helped destroy lives. It does not 'crack down on gun violence'. It simply creates more gun related crime by making their possession without permission, something, a criminal act which lacks every element of a crime. If possession of a gun is a crime, then every person with a kitchen knife in their home is also a criminal act. As it too lacks every element of a crime - But appears in almost all cases regarding stabbings in the home.

This lack of logic and fear mongering is clearly obvious. The possession of a knife cannot make one a criminal nor can the unlicensed possession of a knife make one a criminal nor is the act of possessing it unlicensed a criminal act. Any law making it a crime without criminal intent or lacking elements of a crime is clearly unconstitutional from the spirit of constitutional law and the simplest human cognate function of morality. Possession of a weapon DURING the act of a crime is ~~ipso facto~~ ipso facto and ipso iure, based on the spirit of the law, criminal possession of a weapon. Possession itself is not and cannot be considered criminal. Commonwealth v. Young 453 Mass 707 "Unlicensed possession of a firearm

does not manifest a disregard for the safety and well-being of others ... Unlicensed possession of a firearm ... is passive and victimless."

How can a crime be victimless unless it is not a crime nor tort at all? The crime of Murder has a victim, as does Theft; Fraud; rape; treason; Abduction; Kidnapping; human trafficking; and breaking and entering. All of those crimes and others have those same 3 aforementioned prongs in common. All of them cause an injury or loss to a person or group, all of them involve criminal intent and all of them involve a person or group of people who the injury was done to. These elements are a *Corpus delicti* and are required for a crime to exist.

In an analogy, possession of Cannabis without a license is a tickable "offense!" Not simply because of the letter of the law. But because the spirit of the law clearly indicates the possession of Cannabis causes no injury to any person, state or corporation. It was never criminal. Color of law was simply enforced until the 'government' learned to control it, tax it and benefit from it. Just like ~~alcohol~~ tobacco and alcohol.

[Handwritten signature]